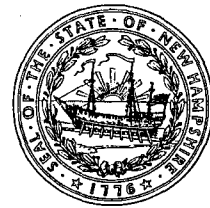




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-003**

March 28, 2005

Timothy Ruff
Carol Sobetzer
Rural Route 1, Box 207B
Orford, NH 03777

RE: DES Wetlands File #2004-02441 Route 25-A, Orford

Dear Mr. Ruff and Ms. Sobetzer:

On October 6, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Orford Tax Map 7 as Lot 32 1A (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A new stream channel measuring approximately 85 linear feet had been excavated for the purpose of re-routing an intermittent stream without a permit from the DES Wetlands Bureau during the construction of a house. The former intermittent stream carried runoff from Route 25A and discharged it into a forested wetland down gradient of the property.
2. The banks to the new stream channel were unstable and were eroding. Sediment measuring 11 inches was observed at the inlet to a 16 inch diameter culvert observed within the driveway; and
3. Approximately 120 linear feet of drainage swale had been constructed. The drainage swale supports surface water flows from the newly-constructed stream channel and does not connect to the forested wetland down gradient of the house.

In response, you are requested to take the following actions:

1. By April 15, 2005, retain a certified wetland scientist to prepare a restoration plan to stabilize the excavated streambank and drainage swale; and
2. By June 15, 2005, submit a restoration plan to DES for approval. Include the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, indicating the footprint of the intermittent stream prior to disturbance and the footprint of existing conditions, indicating the areas that have been excavated;
 - b. A detailed description for the stabilization and re-vegetation of the disturbed stream channel and drainage swale;
 - c. A description of the proposed construction sequence and methods for accomplishing

restoration and the anticipated restoration date; and

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

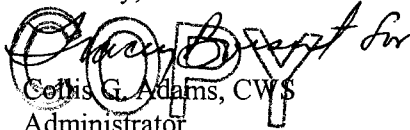
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


Colins G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 9083

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Orford Conservation Commission
Orford Board of Selectmen
USACOE